

**LOWENSTEIN SANDLER LLP**

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*Counsel to the Debtors and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**Hearing Date: October 8, 2020 at 10:00 a.m.**

**Objection Deadline: October 1, 2020 at 4:00 p.m.**

**NOTICE OF SIXTH INTERIM FEE APPLICATION OF LOWENSTEIN SANDLER  
LLP AS COUNSEL TO THE DEBTORS FOR ALLOWANCE OF COMPENSATION  
FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES INCURRED  
FROM APRIL 1, 2020 THROUGH JULY 31, 2020**

**PLEASE TAKE NOTICE** that on **October 8, 2020 at 10:00 a.m. (Eastern Time)**, or as soon thereafter as counsel may be heard<sup>2</sup>, Lowenstein Sandler LLP (“Lowenstein Sandler”), counsel to the above-captioned debtors and debtors-in-possession (the “Debtors”), shall move before the Honorable Michael B. Kaplan at the United States Bankruptcy Court, 402 East State Street, Trenton, New Jersey, Courtroom #8, for an order granting Lowenstein Sandler LLP’s sixth interim fee application for compensation in the sum of \$52,037.00 and reimbursement of expenses in the sum of \$29.00 for the period of April 1, 2020 through July 31, 2020 (the “Application”).

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

<sup>2</sup> This hearing will be conducted telephonically. Parties who wish to appear at the hearing must make arrangements through Court Solutions at <http://www.Court-Solutions.com>.

**PLEASE TAKE FURTHER NOTICE** that Lowenstein Sandler shall rely upon the Application. No brief is necessary as no novel issues of fact or law are presented by the Application. A proposed form of Order has been submitted therewith. Oral argument is requested in the event an objection is timely filed.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the Application shall conform with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules, and shall be filed with the Bankruptcy Court, and pursuant to Local Bankruptcy Rule 9013-1(d), shall be served upon the undersigned **so as to be received no later than October 1, 2020 at 4:00 p.m. (Eastern Time)**. In the event that no objections are filed, the relief requested in the Application may be granted without a hearing.

Dated: September 3, 2020

Respectfully submitted,

**LOWENSTEIN SANDLER LLP**

/s/ Jeffrey D. Prol

Kenneth A. Rosen, Esq.

Jeffrey D. Prol, Esq.

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*Counsel to the Debtors and*

*Debtors-in-Possession*

**FEE APPLICATION COVER SHEET**

IN RE: Duro Dyne National Corp., et al.,<sup>1</sup>

APPLICANT: Lowenstein Sandler LLP

CASE NO.: 18-27963 (MBK)

CLIENT: Chapter 11 Debtors

CHAPTER: 11

CASE FILED: September 7, 2018

**SIXTH INTERIM APPLICATION OF LOWENSTEIN SANDLER LLP AS COUNSEL TO THE DEBTORS FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD FROM APRIL 1, 2020 THROUGH JULY 31, 2020**

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**SECTION I  
FEE SUMMARY**

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☒ Interim Fee Application or ☐ Final Fee Application

	<b><u>FEES</u></b>	<b><u>EXPENSES</u></b>
TOTAL PREVIOUS FEES REQUESTED:	<b><u>\$1,443,771.00</u></b>	<b><u>\$46,406.31</u></b>
TOTAL FEES ALLOWED TO DATE:	<b><u>\$1,391,734.00</u></b>	<b><u>\$46,377.31</u></b>
TOTAL RECEIVED BY APPLICANT <sup>2</sup> :	<b><u>\$1,391,655.70</u></b>	<b><u>\$46,337.31</u></b>
TOTAL HOLDBACK (IF APPLICABLE) <sup>3</sup> :	<b><u>\$10,407.40</u></b>	<b><u>\$0.00</u></b>

FEE TOTALS	<b><u>\$52,037.00<sup>4</sup></u></b>
DISBURSEMENTS TOTALS	<b><u>+ \$29.00</u></b>
TOTAL FEE APPLICATION	<b><u>\$ 52,066.00</u></b>

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

<sup>2</sup> Prior to the Petition Date, Lowenstein Sandler was retained to represent the Debtors in these Chapter 11 Cases. Lowenstein Sandler has been paid for all amounts owed for legal services rendered prior to the Petition Date and Lowenstein Sandler held a retainer in the amount of \$117,300.04 for services and expenses incurred during these Chapter 11 Cases. The total amount received by Lowenstein Sandler reflected above includes the application of the retainer.

<sup>3</sup> This amount reflects holdback amounts for the Sixth Interim Period of April 1, 2020 through July 31, 2020 only, and does not include outstanding amounts owed for the prior interim periods.

<sup>4</sup> This amount includes a voluntary fee reduction in the amount of \$150.00 per agreement with the U.S. Trustee.

<b>Timekeeper Name</b>	<b>Year Admitted</b>	<b>Title/Department</b>	<b>Hours Worked</b>	<b>Rate</b>	<b>Bill Amount</b>
Prol, Jeffrey D.	1989	Partner/Bankruptcy	20.20	\$895.00	\$18,079.00
Kramer, Jeffrey A.	1995	Counsel/Bankruptcy	13.80	\$470.00	\$6,486.00
Suckerman, Daniel A.	2006	Counsel/Corporate	7.40	\$695.00	\$5,143.00
Yusem, Stuart S.	1980	Counsel/Corporate	17.80	\$755.00	\$13,439.00
Claussen, Diane	N/A	Paralegal/Bankruptcy	2.00	\$270.00	\$540.00
Lawler, Elizabeth B.	N/A	Paralegal/Bankruptcy	34.00	\$250.00	\$8,500.00
<b>TOTAL ALL TIMEKEEPERS (minus voluntary fee reduction described in Footnote 4 to the Application)</b>			<b>95.20</b>		<b>\$52,187.00</b> <b><u>- \$150.00</u></b> <b>\$52,037.00</b>
<b>Attorney Blended Rate</b>					<b>\$728.83</b>

**SECTION II  
SUMMARY OF SERVICES**

<b>Task</b>	<b>Task Description</b>	<b>Hours</b>	<b>Total</b>
B110	Case Administration	1.40	\$370.00
B140	Relief from Stay/Adequate Protection Proceedings	1.20	\$564.00
B160	Fee/Employment Applications	17.70	\$5,268.00
B165	Employment and Retention Applications - Others	1.40	\$450.00
B175	Fee Applications and Invoices - Others	25.50	\$8,199.50
B210	Business Operations	1.10	\$479.50
B230	Financing/Cash Collateral	12.60	\$9,813.50
B250	Real Estate	1.50	\$1,042.50
B310	Claims Administration and Objections	9.00	\$7,970.00
B320	Plan and Disclosure Statement (including Business Plan)	23.60	\$17,936.00
B410	General Bankruptcy Advice/Opinions	0.20	\$94.00
<b>Total Fees Rendered This Statement (minus voluntary fee reduction described in Footnote 4 to the Application)</b>		<b>95.20</b>	<b>\$52,187.00</b> <b><u>- \$150.00</u></b> <b>\$52,037.00</b>

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**SECTION III  
SUMMARY OF DISBURSEMENTS**

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Computerized legal research	\$29.00
<b>Total Disbursements</b>	<b>\$29.00</b>

I certify under penalty of perjury that the above is true and correct to the best of my information, knowledge and belief.

Date: September 3, 2020

/s/Jeffrey D. Prol  
Jeffrey D. Prol, Esq.

**LOWENSTEIN SANDLER LLP**

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*Counsel to the Debtors and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**Hearing Date: October 8, 2020 at 10:00 a.m.**

**Objection Deadline: October 1, 2020 at 4:00 p.m.**

**SIXTH INTERIM APPLICATION OF LOWENSTEIN SANDLER LLP AS COUNSEL  
TO THE DEBTORS FOR COMPENSATION FOR SERVICES RENDERED AND  
REIMBURSEMENT OF EXPENSES FOR THE PERIOD FROM  
APRIL 1, 2020 THROUGH JULY 31, 2020**

Pursuant to 11 U.S.C. §§ 330 and 331 and Rule 2016 of the Federal Rules of Bankruptcy Procedure, Lowenstein Sandler LLP (“Lowenstein Sandler”), as counsel to the above captioned debtors and debtors-in-possession (collectively, the “Debtors”), submits its sixth interim application (the “Application”) for allowance of compensation and reimbursement of expenses for the period April 1, 2020 through July 31, 2020 (the “Interim Period”). By this Application, Lowenstein Sandler seeks allowance and payment of compensation in the amount of \$52,037.00 for services rendered by Lowenstein Sandler during the Interim Period. Lowenstein Sandler also seeks

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

allowance and reimbursement of its actual and necessary expenses in the amount of \$29.00 for the Interim Period. In support of this Application, Lowenstein Sandler respectfully states as follows:

### **BACKGROUND AND INTRODUCTION**

1. On September 7, 2018 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code, thereby commencing the above-captioned Chapter 11 Cases (the “Chapter 11 Cases”).

2. The Debtors continue to operate their businesses and manage their properties as Debtors-In-Possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in the Chapter 11 Cases.

3. On September 27, 2018, the Office of the United States Trustee appointed the Official Committee of Asbestos Claimants (the “Committee”) [Docket No. 107].

4. On October 19, 2018, the Court entered the *Order Authorizing the Employment and Retention of Lowenstein Sandler LLP as Counsel to the Debtors effective as of the Petition Date* (“Retention Order”) [Docket No. 194]. The Retention Order authorizes Lowenstein Sandler to be compensated in accordance with the procedures set forth in 11 U.S.C. §§ 330 and 331, the applicable Federal Rules of Bankruptcy Procedure, the rules of this Court and any Order entered by this Court with respect to the compensation of professionals.

5. On December 18, 2018, the Court entered the *Administrative Fee Order Establishing Certain Procedures For Allowance Of Interim Compensation And Reimbursement Of Expenses Of Professionals Retained By Order Of This Court* (the “Interim Compensation Order”) [Docket No. 345].

6. On June 6, 2019, the Plan Proponents (as defined in the Plan) filed the *Third Amended Prenegotiated Plan Of Reorganization For Duro Dyne National Corp. Et Al., Under Chapter 11 Of The Bankruptcy Code*, As Modified (the “Plan”) [Docket No. 729].

7. The Bankruptcy Court’s recommendation in favor of confirmation of the Plan is pending before the District Court. *See* Docket No. 784.

**LOWENSTEIN SANDLER’S APPLICATION FOR COMPENSATION AND FOR REIMBURSEMENT OF EXPENSES**

8. Lowenstein Sandler’s monthly fee statements (the “Monthly Fee Statements”) for the periods of April 1, 2020 through July 31, 2020 have been filed and served pursuant to the Interim Compensation Order.

9. On May 1, 2020, Lowenstein Sandler filed its *Eighteenth Monthly Fee Statement of Lowenstein Sandler For The Period From April 1, 2020 Through April 30, 2020* [Docket No. 1159] (the “Eighteenth Monthly Fee Statement”) requesting \$20,086.00 in fees and \$0.00 in expenses. Subsequently, Lowenstein Sandler voluntarily reduced its requested fees by \$150.00 to \$19,936.00 pursuant to an agreement with the United States Trustee. The Certification of No Objection for the Eighteenth Monthly Fee Statement was filed on June 2, 2020.

10. On August 31, 2020, Lowenstein Sandler filed its *Nineteenth Monthly Fee Statement of Lowenstein Sandler For The Period From May 1, 2020 Through May 31, 2020* [Docket No. 1249] (the “Nineteenth Monthly Fee Statement”) requesting \$14,925.00 in fees and \$16.60 in expenses. The Nineteenth Monthly Fee Statement is pending.

11. Also on August 31, 2020, Lowenstein Sandler filed its *Twentieth Monthly Fee Statement of Lowenstein Sandler For The Period From June 1, 2020 Through June 30, 2020* [Docket No. 1250] (the “Twentieth Monthly Fee Statement”) requesting \$10,242.50 in fees and \$12.40 in expenses. The Twentieth Monthly Fee Statement is pending.



12. Also on August 31, 2020, Lowenstein Sandler filed its *Twenty-First Monthly Fee Statement of Lowenstein Sandler For The Period From July 1, 2020 Through July 31, 2020* [Docket No. 1251] (the “Twenty-First Monthly Fee Statement”) requesting \$6,933.50 in fees and \$0.00 in expenses. The Twenty-First Monthly Fee Statement is pending.

13. By this Application, Lowenstein Sandler seeks an interim allowance of the full amount of the fees and expenses requested in the above-referenced Monthly Fee Statements.

### **SUMMARY OF SERVICES**

14. During the Interim Period, Lowenstein Sandler rendered professional services to the Debtors solely in connection with these Chapter 11 Cases and on behalf of the Debtors in accordance with Lowenstein Sandler’s professional responsibilities. The services performed were necessary to the administration of these Chapter 11 Cases and were beneficial at the time which the services were rendered. All services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed.

15. The Monthly Fee Statements covered by this Application contain detailed daily time entries describing the actual and necessary services provided by Lowenstein Sandler during the Interim Period. The Monthly Fee Statements are incorporated herein by reference as if fully set forth in their entirety. In addition, Lowenstein Sandler incorporates herein by reference the summaries of services performed by Lowenstein Sandler contained in the Monthly Fee Statements as if fully set forth herein in their entirety.

16. Lowenstein Sandler has rendered professional services as counsel to the Debtors as requested and necessary and appropriate in these Chapter 11 Cases.

17. This is Lowenstein Sandler's sixth interim application. Lowenstein Sandler has made no prior or other application to this or any other Court for the relief requested herein. Lowenstein Sandler has and will continue to perform additional necessary services subsequent to July 31, 2020, for which Lowenstein Sandler will file subsequent fee applications.

**EXPENSES INCURRED**

18. During the course of these Chapter 11 Cases, Lowenstein Sandler incurred and paid its actual and necessary disbursements and expenses, which totaled \$29.00. The Monthly Fee Statements covered by this Application contain detailed itemizations of expenses incurred by Lowenstein Sandler during the Interim Period. The Monthly Fee Statements are incorporated herein by reference as if fully set forth in their entirety. In addition, Lowenstein Sandler incorporates herein by reference the itemizations of expenses incurred by Lowenstein Sandler contained in the Monthly Fee Statements as if fully set forth herein in their entirety.

**RELIEF REQUESTED**

19. By this Application, Lowenstein Sandler requests that the Court approve payment of one-hundred percent (100%) of the fees and expenses incurred by Lowenstein Sandler during the Interim Period of April 1, 2020 through July 31, 2020.

20. In accordance with the factors enumerated in section 330 of the Bankruptcy Code, it is respectfully submitted that the amount of compensation requested by Lowenstein Sandler in this Application is fair and reasonable given (a) the complexity of the Chapter 11 Cases, (b) the time expended, (c) the nature and extent of the services rendered, (d) the value of such services, and (e) the costs of comparable services other than in a case under the Bankruptcy Code.

21. Moreover, Lowenstein Sandler has reviewed the requirements of D.N.J. LBR 2016-3 and the Revised UST Guidelines and believes this Application substantially complies therewith.

**CERTIFICATION OF COUNSEL**

22. A Certification of Counsel is attached hereto as **Exhibit A** and made part of this Application.

**WHEREFORE**, Lowenstein Sandler LLP respectfully requests the Court enter an order, substantially in the form attached hereto, providing (a) that an interim allowance be made to Lowenstein Sandler LLP for the period from April 1, 2020 through July 31, 2020, in the amount of (i) \$52,037.00 as compensation for necessary professional services rendered, and (ii) \$29.00 for actual and necessary expenses incurred, for a total of \$52,066.00; (b) that the Debtors are authorized and directed to pay Lowenstein Sandler the outstanding amount of such sums; and (c) for such other and further relief as may be just and proper.

Dated: September 3, 2020

Respectfully submitted,

**LOWENSTEIN SANDLER LLP**

/s/ Jeffrey D. Prol

Kenneth A. Rosen, Esq.

Jeffrey D. Prol, Esq.

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*Counsel to the Debtors and Debtors-in-Possession*

# EXHIBIT A

**LOWENSTEIN SANDLER LLP**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:

Duro Dyne National Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-27963 (MBK)

(Jointly Administered)

**CERTIFICATION OF JEFFREY D. PROL, ESQ.**

Jeffrey D. Prol, pursuant to 28 U.S.C. § 1746, states as follows:

1. I am a partner in the law firm of Lowenstein Sandler LLP, counsel to the above-captioned debtors and debtors-in-possession (the “Debtors”). I submit this Certification in connection with the *Sixth Interim Application of Lowenstein Sandler LLP as Counsel to the Debtors for Allowance of Compensation for Services Rendered and Reimbursement of Expenses for the Period of April 1, 2020 through July 31, 2020* (the “Application”).

2. In accordance with 18 U.S.C. § 155 and the Rules of this Court, neither I nor any attorney of my firm has entered into any agreement, written or oral, express or implied, with the Debtors, any creditor, or any other party in interest, or any attorney of such person, for the

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

purpose of fixing the amount of any of the fees or other compensation to be allowed out of or paid from the assets of the Debtors.

3. In accordance with § 504 of the Bankruptcy Code, no agreement or understanding exists between me, my firm or any attorney thereof, on the one hand, and any other person, on the other hand, for the division of such compensation as my firm may receive from the Debtors herein, nor will any division of fees prohibited by § 504 of the Bankruptcy Code be made by me, or any partner or associate of my firm.

4. I have reviewed the requirements of D.N.J. LBR 2016-3 and the Revised UST Guidelines and certify to the best of my knowledge and belief that this Application substantially complies therewith.

I certify, under penalty of perjury, that the foregoing statements made by me are true to the best of my knowledge, information, and belief.

Dated: September 3, 2020

/s/ Jeffrey D. Prol  
Jeffrey D. Prol, Esq.